DOCUMENT RESUME

ED 185 981 IR 008 310

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TITLE Public Library Legislation at the Local and State Level.
PUB DATE Aug 79
NOTE 11p.; Paper presented at the Conference of the International Federation of Library Associations and Institutions (45th, Copenhagen, Denmark, August 27-September 1, 1979). For related documents, see IR 008 306, IR 008 309-312, IR 008 326, IR 008 341, IR 008 352, IR 008 359, IR 008 369, and IR 008 371. Best copy available.

EDRS PRICE MF01/PC01 Plus Postage.
DESCRIPTORS *Federal Legislation; Library Planning; *Library Services; *Local Legislation; National Libraries; *Public Libraries; *State Legislation; State Libraries

ABSTRACT

Integration of local and national legislation is a necessity if libraries and library services for the public are to be well supported and widely available. Dating from the discovery of printing, local and national library legislation have gradually emerged to support libraries financially and to provide free service to the public, often without clear coordination of objectives and support arrangements. A model act that provides local as well as national objectives of library service may be found in Singapore. Some socialist countries have successfully enacted national laws integrating state and local regulations, while larger federated countries often exhibit disparity in integrated legislative systems. Since 1974 UNESCO has provided guidelines for national documentation, library, and archive infrastructure which are now being adopted by many nations. Political and legal influences generally shape library legislation. The fundamental steps involve determination of legislative intent, agreement on the expression of legislative policy, and the formulation of texts setting out agreed policies. Issues to be confronted include country wide standards of service, adequate supervision authority, financial support, and provision for future development and cooperative endeavors. These issues may be used to qualify existing legislation and to seek needed revision. (RAA)

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PUBLIC LIBRARY LEGISLATION AT THE LOCAL AND STATE LEVEL

by

H.C. Campbell

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IFLA Council 1979

Division: Libraries Serving the General Public

Section: Public Libraries

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Public Library Legislation at the local and state level

by

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Introduction:

The point of view presented in this paper is that local public library activities and services to the public need to be backed by adequate legislation if they are to have maximum effect. It is claimed by the writer that there is a clear relation between the success of the local public library and the existence of legislation which sets out the scope and purpose of the library system. Without such legislation the services can not benefit from the citizen support which is available to them.

Why there are so many explicit absences in most countries of adequate legislation is hard to understand. Even in countries with a long experience with public libraries there are many localties where support for public library service is low, and the standard of public library provision is poor. While final answers to all questions of legislation can not be given in this paper, it will attempt to show how some countries have worked successfully to integrate local and national legislation for public libraries, and achieved a balanced library program to serve all citizens. It is a conclusion of this paper that unless such integration of local and national legislation has taken place, service will remain poor, or if not, will be costly.

Because only a few examples of local and state legislation applications can be cited for space reasons, most of them have been selected from countries included in the study of Frank Gardner, Public Library Legislation, a Comparative Study which has been updated and published by UNESCO in 1979. Examples from a number of other countries such as Australia, Singapore and Venezula have been cited.

A word about definitions. While there is no difficulty in the meaning of "local", it should be emphasized that "state" in this paper means a territorial division of a country. These political divisions are known by various names, i.e. "provinces", "territories", "regions", but they all refer to portions of a single national country.

I would also wish to acknowledge the contributions of the many authors of the materials that I have referred to in summary form. Details of national publications of library laws and some international guidelines are contained in the short reading list attached to this paper.

Scope and purpose of Public Library Legislation:

The provision in law for the establishment of local community libraries giving a service to the citizens of the community, both for consulting books and reading in the reading rooms, goes back several centuries. Laws and edicts governing the establishment of libraries in local communities in Europe are found along with the spread of printing and the founding of libraries. One of the first legislative enactments in the New World was in 1696 when the Maryland Assembly passed several laws to safeguard the dispersal of libraries available to the citizens in that colony. In 1700 a library law was passed in Charleston, South Carolina which provided for the administration, management and regulation of the town library and among other things specified the conditions under which inhabitants might borrow books.[1]

In time the movement for free access to local libraries for all citizens grew to national proportions. The Public Library Act of 1850 in England was a national foundation stone of free public library legislation, establishing the conditions under which local libraries could operate throughout the country. Two principles on which it was based were that public libraries in a community should be freed from total dependence on private gifts, or subscriptions or charitable donations, and that they should be free to include all materials which were available and needed by readers, and not be controlled in such choices by political or religious influences. Without these provisions, little progress in the extension of public library provisions could be made.

Many countries which gained independence after World War I made provision for setting up local free public libraries. Some including such legislation as part of their programmes for nation-wide library systems. At the conclusion of World War II more than 60 countries had some form of legislation establishing public collections in local libraries for the use of citizens. Many of the national laws, particularly in Europe and Latin America also dealt with the

for the use of citizens. Thus the tradition of separate legislation for local libraries had been established.

By the end of the 1970's, there is now a wide range of legislative acts and ordinances under which local public library systems are operating, far too vast to be summarized in this paper.

It is also useful to remember that many agencies are required to serve the public in the provision of information, and legislation for the establishment of these has to be considered along side of legislation for public libraries. As an example, in the State of Washington, U.S.A. in 1976, a Washington library network was given legal status under the State Legislative Services, and empowered to deal with computer system exchanges, telecommunications and inter-library loan in the State. County law libraries were set up to provide free service to the community and circulating libraries were established in educational districts. All these services are supplementary to the existing public library provisions in the State legislation. How such services will coordinate their programmes is of considerable importance to the tax paying citizen.

Integration of local and national service:

An example of an integrated library act in an Asian country that provides for local as well as national services comes from Singapore. Chapter 311 of the Statute of 1970 of the act provides for service to the citizen in the community, as well as service to the country as a whole. The Republic of Singapore lays down the stipulation that "The National Library shall be the only authority in Singapore providing a library service for the general public from funds provided in whole or in part from the Consolidated Fund and any library which is operated from funds provided in whole or in part from the Consolidated Fund shall operate as a library under the National Library and be under the management and control of the Director."

The Act goes on to describe the functions of the National Library, which include, among others, the following duties:

to promote and encourage the use of library material and information therefrom by the establishment of lending and reference libraries and mobile library services

to make library material available for reference and for loan, subject to proper safeguards against loss or damage

to advise on and coordinate the resources and services of Government Department libraries and other libraries with those of the National Library

to participate in national planning for all types of library service in Singapore, and to conduct research to determine library needs and possibilities

to initiate and promote cooperation between the National Library and other libraries in the discharge of the above functions.

Further provisions of the library act are the following:

No charges shall be made for the use of any library material in the National Library.

In order to advise the Minister on the operation of the National Library, a Board shall be constituted under the name of the National Library Board of Singapore.

The functions of the Board are to consider and make recommendations on all matters relating to:

(a) the provision, regulation, extension and use of state and mobile library services to the public and to Government Departments

(b) the provision and operation of schemes for the exchange and lending of library material between libraries

(c) the compilation of bibliographical information

(d) the financing of library services and activities

(e) the training of librarians and other staff in library work

(f) all other functions of the National Library

The example of Singapore has been chosen because it presents a model of integration of services for a single political area, in this case, one with a population of over 2 1/4 million persons. It is an example of the type of comprehensive legislation that governs all facets of library service to the public at local and national levels, including training of staff and provision of financial support.

Services in States of a Federal Country:

In contrast we might look at the problems of several much larger territories that are part of a single federal country and examine what provisions are made by the separate states or territories of larger nations.

Under Australian legislation, a State Library authority has been established in all States, and this is responsible for the management of the State Library and for assisting local government authorities to provide library and information services to the public. State legislation, however, does not generally make it manditory for a local government authority to provide library and information services to its residents. In only one State, Tasmania, has a form of integrated service been adopted.

One of the basic provisions of all public library legislation is to enable financial assistance to be given by upper level authorities to local authorities. In all States of Australia the legislation prescribes the conditions to be met by a local government authority in order to receive assistance from the State for support of public library services. Generally it is required that the local

However, New South Wales permits a charge to be made for lending books classified as fiction, while Queensland provides financial assistance at a lesser rate for libraries operated by local government authorities which charge borrowers on a subscription basis. All States give various forms of direct cash payments to the municipalities, and three States (South Australia, Western Australia and Tasmania) authorise the State Library Authority to provide assistance by way of services, e.g. by providing books or staff to local libraries. In only one State (Tasmania) is there a requirement that a local government authority providing library service under the provisions of the Act should levy a special rate to support the library service. There the Act also prescribes the minimum amount of that rate.

In New South Wales, Victoria and Queensland provision is made for library services to be provided jointly by two or more municipalities thus establishing the basis for the formation of regional library services.

In South Australia specific provision is made for financial support to private Institute Libraries, and for State supervision and assistance for such libraries which are not operated by local government authorities. No other State provides in its legislation for financial assistance to subscription libraries not operated by local government authorities.[2]

While the same situation does not result in every federal country, since there are wide political differences between countries, in many countries it is likely that the local authorities in each separate state receive different treatment depending on the wealth of the state in which they are located. There are wide inequalities in provision of service, with communities in the wealthier states enjoying better service than those in poorer states. Such is the case in Canada, where lack of any national public library legislation, other than for the National Library and government libraries results in great inequalities and regional disparities.[3]

In the case of another federal Country, India, at the present time only four states, Tamil Nadu, Andhra Pradesh, Karnataka and Maharashtra have public library legislation provision out of 22 states, while many thousands of semi-public libraries exist in all parts of India. Over 28,000 libraries and reading rooms were reported in existence in 1974, but India has no coordination of national and state public library legislation.

States in Socialist Countries:

Public Library Legislation, a Comparative Study, contains a description of the public library legislation of Czechoslovakia and Hungary. In these socialist countries, which contain distinct provinces or regions, the national goal to

secure adequate access to books and reading for citizens is reached by the creation of a comprehensive system of school, community, trade union and other libraries, with financial provision ensured by the national authorities. The legislation provides for the following:

(a) the establishment of a unified system of libraries--the main objective of this section of the law is to indicate the mission and function of libraries in a socialist society and to declare that all libraries, whether school, trade union, public, special, university, etc. are important factors in socialist education.

(b) the formal establishment of responsibility for sharing materials and cooperation between libraries--this is a basic objective of all legislation in socialist countries, and has the effect of overreacting local objections to such sharing that occur in other countries.

Provision in the national law of such socialist countries is made for state as well as local regulations that can be different in different regions of the country. By this means account can be taken of local and regional differences, and allowances made for special concerns in an area, though without detriment to the overall objectives of library system planning.

National and International Guidelines for Library Legislation:

A number of countries have recently conducted studies and passed legislation and regulations based on the principles advocated by the Inter-governmental Conference of UNESCO held in Paris in September 1974 on the planning of national documentation, library and archive infrastructures. One of the first to take action was Venezula. This country, made up of many states, enacted the law of June 29, 1977 establishing an Autonomous Institute of the National Library and Library Services of Venezula. Article 8 of the law empowers the Institute to set up a national system of public libraries drawing on the support of institutions in both the public and private sector. This has permitted the National Library to utilize the experience of the Banco del Libro of Caracus to set up childrens and adult public library services in various States of Venezula, in cooperation with the governments of each State. In some cases, State legislation and regulations were enacted, in other cases not.[4]

The matter of supervision and inspection of library services is an important one which too often is ignored in local and state library regulations. While the legislation provides for a citizens group who can supervise the operation of the library, there are many countries in which such groups have little accountability and do not need to meet any standards in the services they provide.

This matter of inspection and guidelines is tackled effectively in Denmark through the provision of a State Inspection of Public Libraries, founded in 1920. The Danish law further stipulated that before April 1969 all communes

should set up public libraries, and that a department for service to children must be provided in each area. The Danish Act also specifies that a committee of the commune council shall manage the library. The Council of the commune must further adopt rules and regulations for the administration of the library.

Important legal arrangements are necessary where several libraries are linked in to a common system. In the example of Denmark this in some cases may be a county system, but may also be a metropolitan area urban system. An important part of such local laws are those sections that set out how the governing body of the system will be established, what its duties and responsibilities are, and how it will acquire the financial resources to operate the library system. Participants at the IFLA meeting in Copenhagen will have more opportunities to learn of developments in public library relations between local municipalties and the national government in Denmark.

In the face of such a wide variety of legislation, and such great differences, one might ask if anything can be done on an international basis to improve local public library legislation. It is my view that not enough attention was paid to this matter in the recommendations of the UNESCO Inter-governmental Conference, and that even less attention is paid to it by the Inter-governmental Council of UNESCO for the General Information Programme, which is responsible to prepare recommendations for carrying out UNESCO's programme for public library development.

The following extract from Establishing a legislative framework for the implementation of NATIS indicates the responsibility of the national government in aiding local public library development:

> "It is however clearly unrealistic to legislate for the compulsory provision of library services without taking into account the current state of library development and the steps which have to be taken before a service of the required standard can be provided. In the absence of the self-regulating mechanism of permissive legislation, a means has to be found to enable a service to be progressively extended, from existing or newly-established bases, across the whole country. This process must be flexible, so that progress can be adjusted in the light of experience or changing factors. Time-tables and deadlines embodied in legislation are like smouldering time bombs which eventually have to be defused by amending legislation. One answer lies in placing responsibility for the development of the library service in the hands of a Minister accountable to Parliament and empowering him to make orders extending compulsory provision to administrative units as development makes this possible."

Methods of securing public library legislation:

Two influences shape public library legislation. One is political:- what can be done? The Second is legal:- how can it be done. The fundamental steps in the preparation of library legislation are; determining the intent

of the legislature; the achievement of agreement on the ways that the legislative policy can be expressed; and finally the drafting of the texts that set out the agreed policies.

Local and regional library authorities are often confronted with the following issues:

Is the present legislation suitable and does it permit future developments and cooperative endeavours?

Does it provide authority for the supervising agency commensurate with the needs of the libraries?

Does it permit a similar standard of public library service available throughout the country?

Does it stipulate the terms of financial support to be received?

If the answer to some or all of these questions is no - then there is a need to revise the existing legislation.[5] Many localities are struggling at the present time to upgrade the quality of their library legislation. Some of the methods which they are using are the following:

- Carrying out studies of legislative provisions in neighbouring countries which already provide for some or all of the agreed library objectives to be realized.
- Introducing the need for public library improvement, along with other social and educational changes, into the political platforms of local, regional or national parties.
- Holding local seminars and workshops with citizen participation in order to bring citizen influence to bear on the elected representatives in the government.
- Establishing demonstration projects to show what could be achieved on a wider scale if legislative provision existed for all parts of the region or nation.

The above are only some steps which have been used successfully in many areas. They can best be carried out through the combined efforts of library leaders, librarians and voluntary citizens groups.

I will leave it to members of the panel to expand further on some of the topics I have presented, or to develop some of the many other matters that time and space did not permit me to describe.

Footnotes

1. Smith, J. M., A Chronology of Librarianship, Scarecrow Press, Metuchen, 1968, p. 65.

2. Public Libraries in Australia, Report of the Committee of Inquiry into Public Libraries, Australian Government Publishing Service, Canberra, 1976.

3. Statistics Canada, Cultural statistics, public libraries in Canada, 1976, Ottawa, 1978, p. 10-12.

4. Instituto Autonomo Biblioteca Nacional y de Servicios de Bibliotecas, Informe Anual '77', Caracas, 1978, p. 21.

5. Bewley, Lois M., Public library legislation Saskatchewan: analysis and recommendations. Regina, 1978. p. 3.

Additional Reading

Only a few items relevant to the content of this paper have been provided, since it is presumed that national sources will be well known to most readers, and a detailed list of all local and state legislation is beyond the scope of this paper.

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